

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

VAFA SHAMSAI,

Plaintiff,

vs.

J. MATTHEW HARTER, *et al.*,

Defendants.

2:12-cv-01202-GMN-CWH

REPORT & RECOMMENDATION

On December 17, 2012, the Court entered an order denying Plaintiff's Application to Proceed *In Forma Pauperis* (#1) without prejudice. The Court found that the IFP application was incomplete because it did not adequately describe sources income or indicate what Plaintiff expected to receive in the future. As a result, the Court determine that it did not have sufficient information to determine whether Plaintiff was eligible to proceed *in forma pauperis*. Plaintiff was given until Tuesday, January 15, 2013, in which to file a completed application to proceed *in forma pauperis*. Plaintiff was warned that failure to submit a complete application, or, alternatively, to pay the filing fee would result in a recommendation that Plaintiff's application to proceed *in forma pauperis* be denied and this case dismissed. Plaintiff did not file a completed application to proceed *in forma pauperis* and has not paid the filing fee. Accordingly,

RECOMMENDATION

IT IS RECOMMENDED that Plaintiff's Application to Proceed *In Forma Pauperis* (#1) be **DENIED** and this case **DISMISSED**.

NOTICE

1 Pursuant to Local Rule IB 3-2, any objection to this Finding and Recommendation must be in
2 writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court has held
3 that the courts of appeal may determine that an appeal has been waived due to the failure to file
4 objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also
5 held that (1) failure to file objections within the specified time and (2) failure to properly address and
6 brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual
7 issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt*
8 *v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

9 Dated this 8th day of February, 2013.

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12 C.W. Hoffman, Jr.
13 United States Magistrate Judge
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